

Boxborough Board of Appeals
Meeting Minutes
UCC Church Vestry
723 Mass. Ave.
January 5, 2016

Members present: Stefano Caprara, Tom Gorman (Chair), Michael Toups, Lonnie Weil, and Mark White.
Member absent: Kristin Hilberg. Also present: Adam Duchesneau, Town Planner.
Tom called the meeting to order at 7:25 pm.

Upon motion duly made by Tom and seconded by Mark, it was unanimously voted to approve the minutes of December 1, 2015.

At 7:30 Tom opened the hearing for the application received from the Raymond M. Vorce Jr. Estate requesting a Variance from the required minimum upland lot area in section 5002 of the Boxborough Zoning Bylaw. The property is located at 164 Massachusetts Avenue, Assessor Map 15-098-000, and 23 Summer Road, Assessor Map 15-099-000.

Attorney Kathleen Vorce, representing the Applicant, mentioned she had a previous business relationship with member Mark White for different matters. As a result it was recommended and Mark agreed to recuse himself. Given Kristin's absence, and upon the request of the applicant, the Board recorded the hearing.

Executors of Mr. Vorce's Estate were present and Ms. Vorce presented the Application, stating the property was the major asset of the estate.

Parties interested in the property face banking regulations that limit financing applications on commercial terms, which are less favorable for someone purchasing a house. There are two parcels, with a house on one parcel that would get residential financing, but for amenity of the pond etc. would have to get commercial financing. The property has wetlands. Therefore the Applicant asks to separate the commercial and the residential. There is no other way to add contiguous upland. The commercial use is a preexisting nonconforming use. Mr. Quintal leases the warehouse and would like to purchase that property.

There was discussion regarding the septic system supporting both buildings. The properties are in the Acquirer Protection Zone and the Applicants feel this contributes to the hardship. The properties have been for sale as one for the past five years without success.

Abutters commented on traffic and rezoning. In 1994 the lot size in the Zoning Bylaw was increased. Abutters also commented on zoning changes, the condition of the property, and the wetlands.

Upon motion made by Tom and seconded by Michael it was unanimously voted to continue the hearing on January 19, 2016 at 7:45 pm.

Upon motion duly made by Tom and seconded by Michael, it was unanimously voted to adjourn at 9:15 pm.

On behalf of the Zoning Board of Appeals,


Approved _____ Date _____